

DATE: February 17, 2015
TO: Honorable Mayor & City Council
FROM: Doug Bender, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of February 16, 2015

**AGENDA ITEM NO. 10A - PUBLIC HEARING
ZONING CASE 2015-01
APPLICANT: TERRELL-LEWIS INVESTMENTS, LLC AND MILESTONE TERRAIN**

Request for a Specific Use Permit for Food Truck Park on 1.2± acres located at the southwest corner of 14th Street and M Avenue. Zoned Downtown Business/Government and Planned Development-369-Light Commercial with Specific Use Permit #124 for Contractors Shop and Storage.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **OPPOSE:** 2

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: March 17, 2015 (To view the agenda for this meeting, see www.planotx.gov)

PUBLIC HEARING - ORDINANCE

RA/ks

xc: Floyd Terrell, Terrell-Lewis Investments LLC
Jim West, Micro Properties LLC

<http://goo.gl/maps/xpMz6>

CITY OF PLANO
PLANNING & ZONING COMMISSION

February 16, 2015

Agenda Item No. 10A

Public Hearing: Zoning Case 2015-01

Applicant: Terrell-Lewis Investments, LLC and Milestone Terrain

DESCRIPTION:

Request for a Specific Use Permit for Food Truck Park on 1.6± acres located at the southwest corner of 14th Street and M Avenue. Zoned Downtown Business/Government and Planned Development-369-Light Commercial with Specific Use Permit #124 for Contractors Shop and Storage.

REMARKS:

The applicant is requesting a Specific Use Permit (SUP) for a Food Truck Park. The Zoning Ordinance defines a Food Truck Park as, "An area designed to accommodate two or more mobile food establishments and offering food and/or beverages for sale to the public as the primary use of the property." The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established. A preliminary site plan, Street Hub Addition, Block A, Lot 1 accompanies this request as agenda item 10B.

On January 13, 2014 the City of Plano adopted regulations for food truck parks. These uses are permitted within the Downtown Business/Government (BG) and Light Commercial (LC) zoning districts with approval of an SUP. The requested SUP would be the first food truck park located within the city. The area of request consists of a former single-family home and three vacant lots which were previously occupied by a service contractor.

To the north of the subject property, across 14th Street, is an existing restaurant zoned Downtown Business/Government (BG). To the west is an existing automobile repair-minor/service station zoned BG. To the east, across M Avenue, is existing retail and single-family residences zoned R. To the south are existing single-family residences zoned R.

The requested food truck park is consistent with the nature of development in the downtown area which is intended to provide services to residents and businesses in a

pedestrian oriented environment. As shown in the companion preliminary site plan, the subject property is large enough to accommodate several food trucks, as well as restaurant buildings, parking and outside dining areas in accordance with the BG district regulations. Additionally, a food truck park would provide an alternative restaurant use which is not currently present within the city. For these reasons, staff recommends approval of the zoning case.

RECOMMENDATION:

Recommended for approval as submitted.

14TH STREET

Area of Request

MUNICIPAL /AND L AVENUE

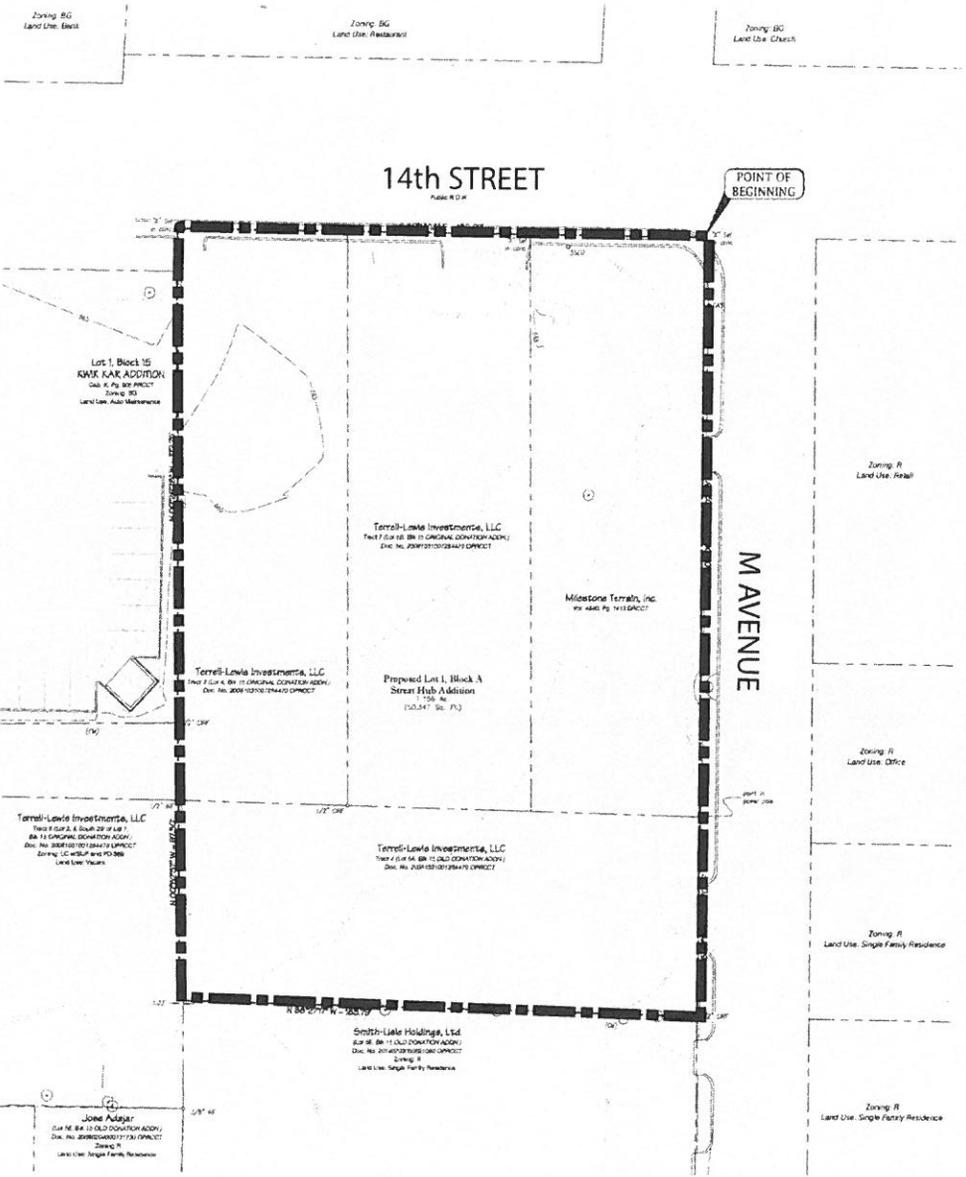
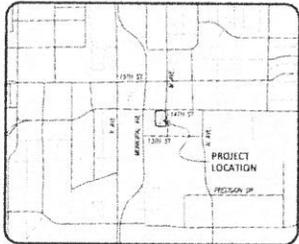
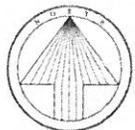
MAVENUE

13TH STREET



Source: City of Plano, Planning Dept.
Date: February, 2015

Zoning Case 2015-01



METES AND BOUNDS DESCRIPTION

BEING a tract of land situated in the S Beck Survey, Abstract No. 73, City of Plano, Collin County, Texas, the subject tract being part of Lot 5, in Block 15 of the Original Division of Land according to the plat recorded in Volume 80, Page 519 of the Plat Records, Collin County, Texas (PRRCL), as conveyed to Milestone Terrain, Inc., recorded Volume 866, Page 1413 of the Deed Records, Collin County, Texas (DRCL), and being all of the tracts conveyed as Tract 2, Tract 4, and Tract 7 to Terrell-Lewis Investments, LLC according to the deed recorded in Document No. 20091631001284472 of the Official Public Records, Collin County, Texas (OPRCL), the subject tract being more particularly described as follows:

BEGINNING at an "X" set in concrete at the intersection of the south line of 14th Street, a public right-of-way, with the west line of "M" Avenue, a public right-of-way, for the northeast corner of said Block 15;

THENCE S 00°06'25" W, 202.45 feet along the west line of "M" Avenue to a point in a power pole, said point being the northeast corner of Tract 4;

THENCE S 00°01'30" W, 70.24 feet continuing along the west line of "M" Avenue to a 1/2" iron rod with plastic cap found for the northeast corner of a tract conveyed to Smith-Like Holdings, LLC, recorded in Document No. 201407C3000691000 (OPRCL);

THENCE N 88°27'17" W, along the common line thereof, passing at 182.76 feet the northwest corner of said Smith-Like Holdings tract, continuing a total distance of 183.79 feet to a point on the east line of Tract 4, as conveyed to Terrell-Lewis Investments, LLC, for a corner;

THENCE N 00°53'37" W, along the common line thereof, passing at 20.28 feet a 1/2" iron rod found for the southwest corner of said Tract 2, and continuing a total distance of 89.30 feet to a 1/2" iron rod with plastic cap found for the southeast corner of Lot 1, Block 15, KWK Kar Addition, as recorded in Cabinet K, Page 300 of the Plat Records, Collin County, Texas;

THENCE N 00°19'28" W, along the common line thereof, passing at 107.24 feet the northeast corner of said Lot 1, and continuing a total distance of 122.25 feet to an "X" set in concrete on the south line of 14th Street, for the northwest corner of said Tract 2;

THENCE S 89°18'16" E, 186.97 feet along the south line of 14th Street to the POINT OF BEGINNING with the subject tract containing 50,147 square feet or 1.156 acres of land.

Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning and Zoning Commission and/or City Council action on studies, plats or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.

SUP Request for Food Truck Park

ZC 2015-01
ZONING EXHIBIT
STREET HUB ADDITION
 PROPOSED LOT 1, BLOCK A
 1.156 ACRES in the
 S. BECK SURVEY, ABSTRACT NO. 73
 CITY OF PLANO, COLLIN COUNTY, TEXAS

OWNER / APPLICANT
 Terrell-Lewis Investments, LLC
 8810 N. Elmer
 Plano, TX 75074
 Telephone (972) 423-3031
 Contact: Keya Terrell

ENGINEER / SURVEYOR
 Swift Engineering, Inc.
 765 Canyon Road, Suite 100
 Plano, TX 75075
 Telephone: (972) 421-0077
 TDD: No. 7-2121
 Contact: John Swift

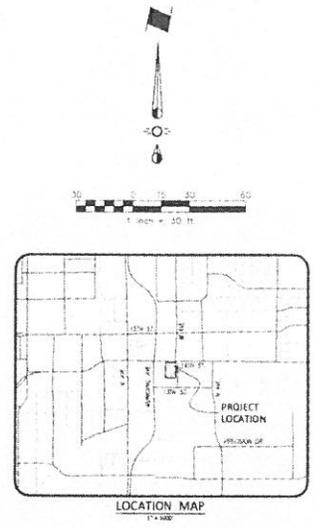
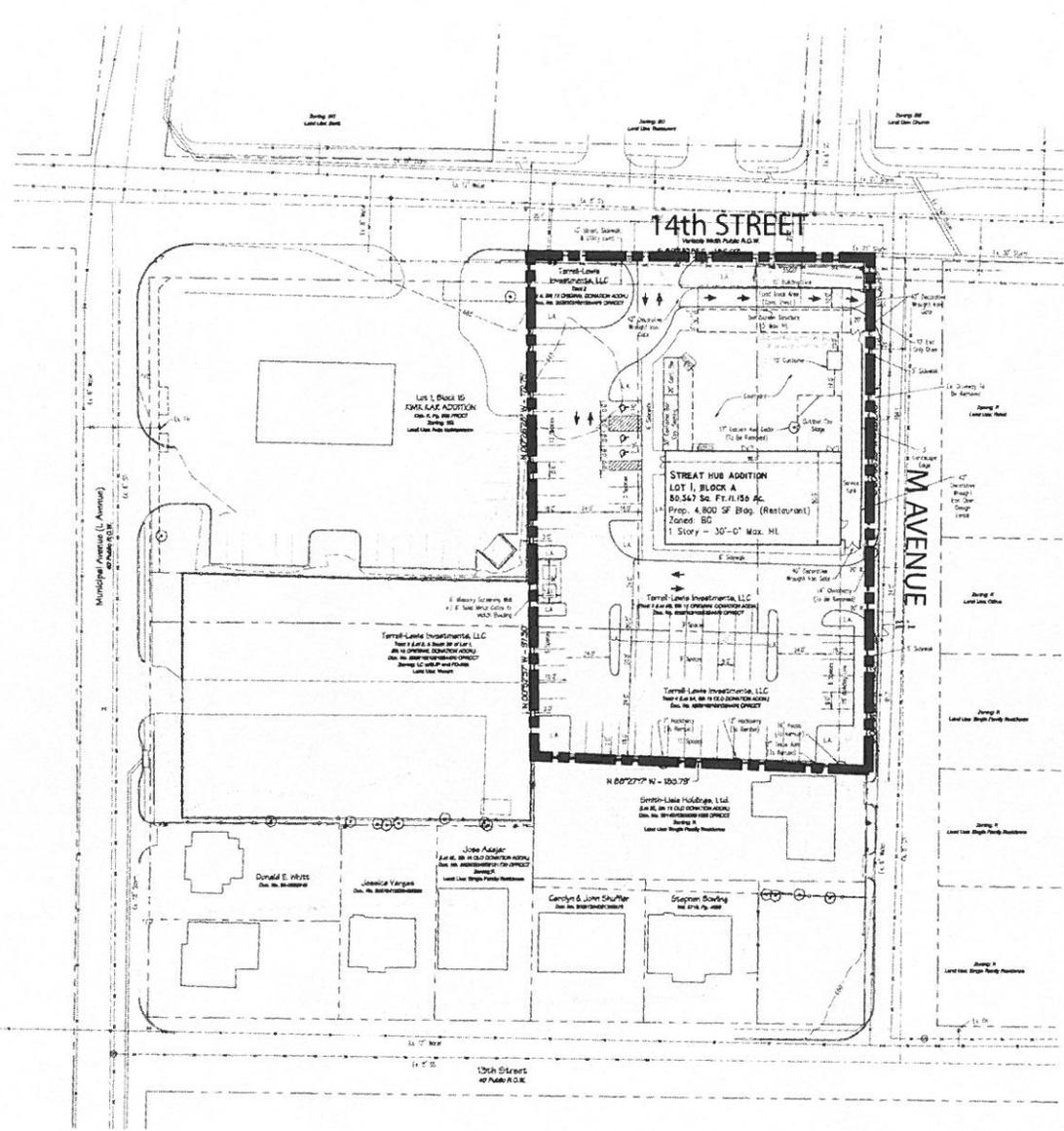
OWNER / APPLICANT
 Milestone Terrain, Inc.
 3212 14th Street
 Plano, TX 75074
 Telephone: (972) 365-5372
 Contact: Sander Beroya

Site Data Summary Table

GENERAL SITE DATA	LOT 1, BLOCK A
Zoning	BC
Land Use	Food Truck Area & Restaurant
Lot Area	1,156 Sq. Ft. (26,347 Sq. Ft.)
Building Footprint Area (Restaurant)	4,800 Sq. Ft.
Countdown	7,800 Sq. Ft.
Total Building Area	12,600 Sq. Ft.
Building Height	30'0" Max. Height - 1 Story
Lot Coverage	23.0% OF SITE
Foot Area Ratio	0.225
PARKING	
Parking Ratio	3 Spaces per 300 Sq. Ft.
Required Parking	42 Spaces
Provided Parking	64 Spaces (incl. HIC)
Accessable Parking Required	3 Spaces
Accessable Parking Provided	3 Spaces
Parking in Excess of 110%	17 Spaces
Of Required Parking	
LANDSCAPING	
Required Interior Landscaping Area	3,520 Sq. Ft.
Interior Landscaping Area Provided	5,367 Sq. Ft.
Landscaping Edge Area Provided	1,838 Sq. Ft.
Other Landscaping Area Within The Lot Including Storm Water Catchment Area	0 Sq. Ft.
Total Landscaping Area	7,335 Sq. Ft.
PERMEABLE AREA	
Permeable Pavement	0 Sq. Ft.
Open Porous Area Within The Lot And Including Landscaping of Lot Area	0 Sq. Ft.
Total Permeable Area	0 Sq. Ft.
IMPERVIOUS AREA	
Building Footprint Area	4,800 Sq. Ft.
Area of Stormwater Pavement & Other Impermeable Features	36,212 Sq. Ft.
Other Impermeable Area	0 Sq. Ft.
Total Total Impermeable Area	43,012 Sq. Ft.

GENERAL NOTES

1. Buildings 6,000 or greater square feet shall be IBCS for sprinklers.
2. Fire lanes shall be designed and constructed per City standards.
3. Handicapped parking areas shall be designed and provided per City standards and shall comply with requirements of the current, adopted International Building Code.
4. Four-foot wide sidewalks shall be provided 25 feet off the property line with the right-of-way, unless a sidewalk easement is provided for a neighboring sidewalk or an alternative design is approved by the city. Where the owner, per city standards, shall be provided an sidewalk at all such crossings.
5. Mechanical units, compressors and break compressors shall be screened in accordance with the zoning Ordinance.
6. All signage shall be approved by Building Inspection Department.
7. Approval of the Site Plan is not final until all engineering plans are approved.
8. Open storage, where permitted, shall be screened in accordance with the zoning Ordinance.
9. Building facades within this development shall be compatible, as provided in the Retail Center Design Guidelines.
10. Outdoor lighting shall comply with Illumination standards within Section 4-146 of the Code of Ordinances.
11. Please contact the Building Inspection Department to determine the type of construction and occupancy group.
12. All electrical transmission, distribution and service lines must be underground where required.
13. Signs and banners in operation, location, and construction to the following performance standards in Section 4-150 of the zoning Code: signs, banners and outdoor lighting, outdoor lighting, for or against hazardous materials, signs and banners, signs, banners and/or other performance standards.



LEGEND
 --- Existing Curbs

PRELIMINARY SITE PLAN & GENERAL TREE SURVEY
STREET HUB ADDITION
 LOT 1, BLOCK A
 1.156 ACRES in the
 S. DECK SURVEY, ABSTRACT NO. 21
 CITY OF PLANO, COLLIN COUNTY, TEXAS

ENGINEER / SURVEYOR
 Spahr Engineering, Inc.
 765 Carter Road, Suite 100
 Plano, TX 75075
 Telephone: (972) 423-0077
 TSP# No. F-2121
 Contact: John Spahr

OWNER / APPLICANT
 Terra-Lewis Investments, LLC
 3820 N. Elmer
 Plano, TX 75074
 Telephone: (972) 423-8331
 Contact: Heidi Terrell

OWNER / APPLICANT
 Mistone Terra, Inc.
 3222 14th Street
 Plano, TX 75074
 Telephone: (972) 465-5172
 Contact: Sandra Benzel

Notes:
 1. Handicap Parking Shall Be Provided In Accordance w/ ADA Standards.
 2. No Hazardous Events On The Site.
 3. This Plan is For Informational Purposes Only. It is Not A Construction Document.

Zoning Case 2015-01

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 657 so as to allow the additional use of Food Truck Park on 1.2± acres of land out of the S. Beck Survey, Abstract No. 73, located at the southwest corner of 14th Street and M Avenue, in the City of Plano, Collin County, Texas, presently zoned Downtown Business/Government and Planned Development-369-Light Commercial with Specific Use Permit No. 124 for Contractors Shop and Storage; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 17th day of March, 2015, for the purpose of considering granting Specific Use Permit No. 657 for the additional use of Food Truck Park on 1.2± acres of land out of the S. Beck Survey, Abstract No. 73, located at the southwest corner of 14th Street and M Avenue, in the City of Plano, Collin County, Texas, presently zoned Downtown Business/Government and Planned Development-369-Light Commercial with Specific Use Permit No. 124 for Contractors Shop and Storage; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 17th day of March, 2015; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 657 for the additional use of Food Truck Park on 1.2± acres of land out of the S. Beck Survey, Abstract No. 73, located at the southwest corner of 14th Street and M Avenue, in the City of Plano, Collin County, Texas, presently zoned Downtown Business/Government and Planned Development-369-Light Commercial with Specific Use Permit No. 124 for Contractors Shop and Storage, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 657 for the additional use of Food Truck Park on 1.2± acres of land out of the S. Beck Survey, Abstract No. 73, located at the southwest corner of 14th Street and M Avenue, in the City of Plano, Collin County, Texas, presently zoned Downtown Business/Government and Planned Development-369-Light Commercial with Specific Use Permit No. 124 for Contractors Shop and Storage, said property being more fully described on the legal description in Exhibit "A" attached hereto.

Section II. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 17TH DAY OF MARCH, 2015.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2015-01

BEING a tract of land situated in the S. Beck Survey, Abstract No. 73, City of Plano, Collin County, Texas, the subject tract being part of Lot 5, in Block 15 of the Original Donation of Plano, according to the plat recorded in Volume 65, Page 519 of the Plat Records, Collin County, Texas (PRCCT), as conveyed to Milestone Terrain, Inc., recorded Volume 4840, Page 1413 of the Deed Records, Collin County, Texas (DRCCT), and being all of the tracts conveyed as Tract 2, Tract 4, and Tract 7 to Terrell-Lewis Investments, LLC according to the deed recorded in Document No. 20081031001284470 of the Official Public Records, Collin County, Texas (OPRCCT), the subject tract being more particularly described as follows:

BEGINNING at an 'X' set in concrete at the intersection of the south line of 14th Street, a public right-of-way, with the west line of "M" Avenue, a public right-of-way, for the northeast corner of said Block 15;

THENCE South 00°06'25" West, 202.48 feet along the west line of "M" Avenue to a point in a power pole, said point being the northeast corner of Tract 4;

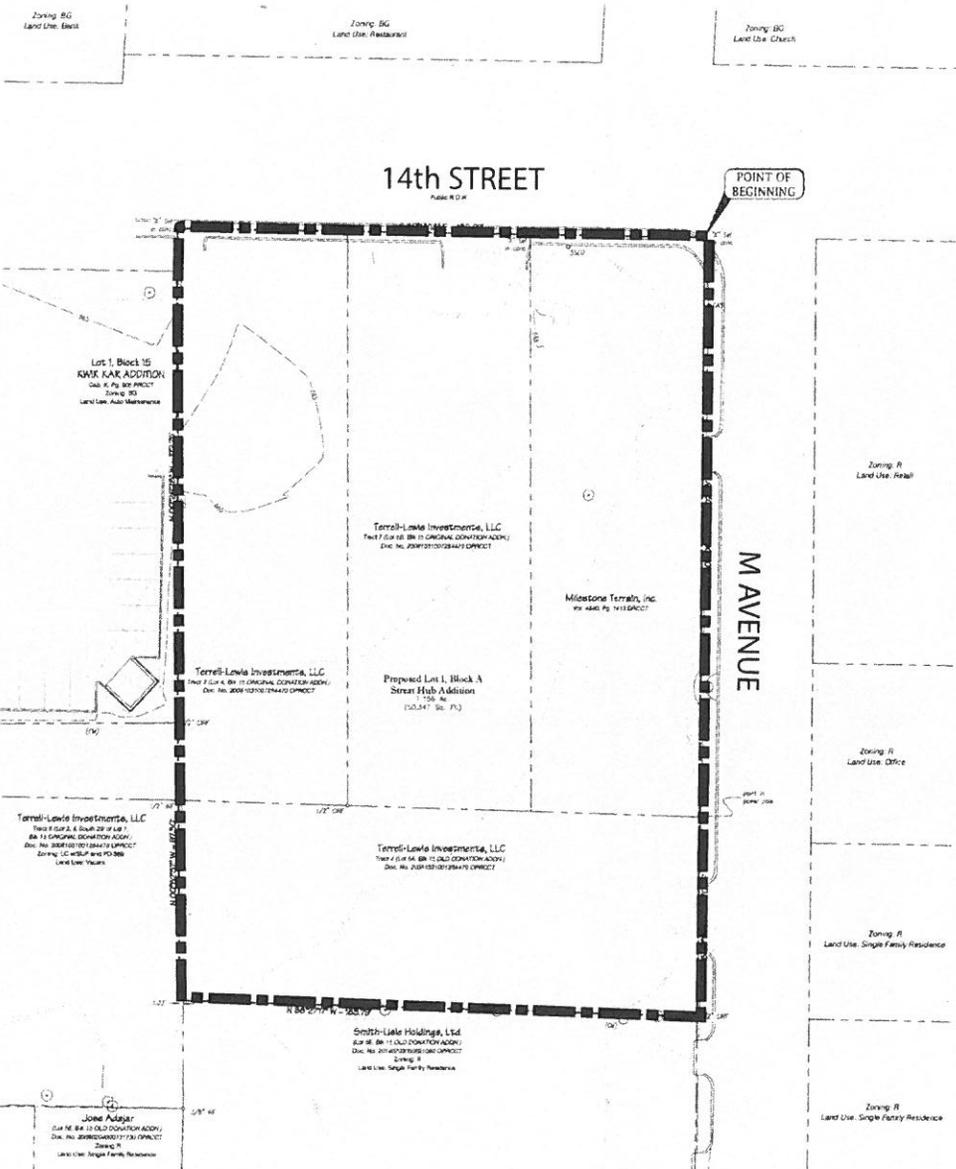
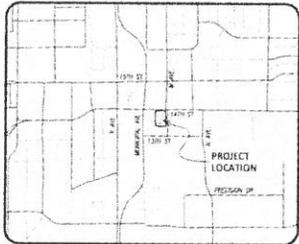
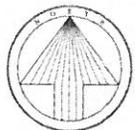
THENCE South 00°01'30" West, 70.24 feet continuing along the west line of "M" Avenue to a 1/2-inch iron rod with plastic cap found for the northeast corner of a tract conveyed to Smith-Lisle Holdings, Ltd., recorded in Document No. 20140703000691080 OPRCCT;

THENCE North 88°27'17" West, along the common line thereof, passing at 182.76 feet the northwest corner of said Smith-Lisle Holdings tract, continuing a total distance of 183.79 feet to a point on the east line of Tract 6, as conveyed to Terrell-Lewis Investments, LLC, for corner;

THENCE North 00°52'37" West, along the common line thereof, passing at 70.28 feet a 1/2-inch iron rod found for the southwest corner of said Tract 2, and continuing a total distance of 97.30 feet to a 1/2-inch iron rod with plastic cap found for the southeast corner of Lot 1, Block 15, Kwik Kar Addition, as recorded in Cabinet K, Page 905 of the Plat Records, Collin County, Texas;

THENCE North 00°26'28" West. along the common line thereof, passing at 157.74 feet the northeast corner of said Lot 1, and continuing a total distance of 172.75 feet to an "X" set in concrete on the south line of 14th Street, for the northwest corner of said Tract 2;

Thence South 89°18'18" East, 186.97 feet along the south line of 14th Street to the POINT OF BEGINNING with the subject tract CONTAINING 50,347 square feet or 1.156 acres of land.



METES AND BOUNDS DESCRIPTION

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SUP Request for Food Truck Park

ZC 2015-01
ZONING EXHIBIT
STREET HUB ADDITION
 PROPOSED LOT 1, BLOCK A
 1.156 ACRES in the
 S. BECK SURVEY, ABSTRACT NO. 73
 CITY OF PLANO, COLLIN COUNTY, TEXAS

OWNER / APPLICANT
 Terrell-Lewis Investments, LLC
 8810 N. Elmer
 Plano, TX 75074
 Telephone (972) 423-3031
 Contact: Keya Terrell

OWNER / APPLICANT
 Milestone Terrain, Inc.
 3212 14th Street
 Plano, TX 75074
 Telephone (972) 365-5372
 Contact: Sander Beroya

ENGINEER / SURVEYOR
 Swift Engineering, Inc.
 765 Canyon Road, Suite 100
 Plano, TX 75075
 Telephone: (972) 421-0077
 TDD: No. 1-2121
 Contact: John Swift